61/986

Circular R61

Copyright Registration for Computer Programs

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DEPOSITORY 376

DEFINITION

"A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result."

WHAT TO SEND

- A Completed Form TX
- A $10.00 Non-refundable Filing Fee Payable to the Register of Copyrights
- One Copy of Identifying Material (See Below)

EXTENT OF COPYRIGHT PROTECTION

Copyright protection extends to the literary or textual expression contained in the computer program. Copyright protection is not available for ideas, program logic, algorithms, systems, methods, concepts, or layouts.

DESCRIBING BASIS OF CLAIM ON FORM TX

- Space 2. In the "Author of" space identify the copyrightable authorship in the computer program for which registration is sought; for example, AUTHOR OF "Text of computer program," "Text of user's manual and computer program text," etc. (Do not include in the claim any reference to design, physical form, or hardware.)
- Space 6. Complete this space only if the computer program contains a substantial amount of previously published, registered, or public domain material (for example, subroutines, modules, or textual material).

DEPOSIT REQUIREMENTS

For published or unpublished computer programs, one copy of identifying portions of the program, (first 25 and last 25 pages), reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform, together with the page or equivalent unit containing the copyright notice, if any.

LC 3.4/2:

For a program less than 50 pages in length, a visually perceptible copy of the entire program. For a revised version of a program which has been previously published, previously registered, or which is in the public domain, if the revisions occur throughout the entire program, the first 25 and last 25 pages. If the revisions are not contained in the first and last 25 pages, any 50 pages representative of the revised material in the new program, together with the page or equivalent unit containing the copyright notice for the revised version, if any.

The Copyright Office believes that the best representation of the authorship in a computer program is a listing of the program in source code.

Where the applicant is unable or unwilling to deposit a source code listing, registration will proceed under our RULE OF DOUBT policy upon receipt of written assurance from the applicant that the work as deposited in object code contains copyrightable authorship.

If a published user's manual (or other printed documentation) accompanies the computer program, deposit one copy of the user's manual along with one copy of the identifying portion of the program.

SPECIAL RELIEF AND TRADE SECRETS

When a computer program contains trade secrets or other confidential material that the applicant is unwilling to disclose by depositing the first and last 25 pages in source code, the Copyright Office is willing to consider special relief requests enabling the applicant to deposit less than or other than the usual 50 pages of source code. Special relief requests for the following three deposit options are presently being granted upon receipt of the applicant's written request to the Chief, Examining Division for special relief:

- first and last 25 pages of source code with some portions blocked out, provided that the blocked-out portions are proportionately less than the material still remaining;
- at least the first and last ten pages of source code alone, with no blocked-out portions; or
- first and last 25 pages of object code plus any ten or more consecutive pages of source code, with no blocked-out portions.

READEX FICHE best copy available

LOCATION OF COPYRIGHT NOTICE

Section 201.20(g), 37 C.F.R.

(g) WORKS REPRODUCED IN MACHINE-READABLE COPIES

For works reproduced in machine-readable copies (such as magnetic tapes or disks, punched cards, or the like), from which the work cannot ordinarily be visually perceived except with the aid of a machine or device,[1] each of the following constitute examples of acceptable methods of affixation and position of notice:

(1) A notice embodied in the copies in machine-readable form in such a manner that on visually perceptible printouts it appears either with or near the title, or at the end of the work;

(2) A notice that is displayed at the user's terminal at sign on;

(3) A notice that is continuously on terminal display; or

(4) A legible notice reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

FORM OF COPYRIGHT NOTICE

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all of the following three elements:

1. *The symbol* © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."

2. *The year of first publication* of the work. In the case of compilations of derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient.

[1]Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category.

3. *The name of the owner of copyright* in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1986 John Doe

FURTHER QUESTIONS:

If you have general information questions and wish to talk to an information specialist, call 202-287-8700.

TO ORDER FORMS:

Write to the Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559 or call 202-287-9100, the Forms and Publications Hotline.

Please note that a copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it. It must also be kept in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you will not receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed;
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office received your material, you should send it via registered or certified mail and request a return receipt.

Copyright Office • Library of Congress • Washington, D.C. 20559

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